



Attorney Docket No.: H0075.70076US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kevin Taylor and Franz Smet
Serial No.: 09/898,900
Confirmation No.: 3612
Filing Date: July 3, 2001
For: ASPHALT ADDITIVE MIXING APPARATUS AND
METHODS
Examiner: David L. Sorkin
Art Unit: 1723

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 16th day of October, 2003.

Jeanne A. Spinelli

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 CFR § 1.97

This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and is being filed on or before payment of an Issue Fee. The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement. The IDS processing fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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PART II: Information Cited

Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The references cited on the PTO-1449 were cited in a search report for counterpart European Application EP 1170421. A copy of the search report is attached. English-language translations of selected portions of DE 2919444 and DE 3834191 are attached and provide an indication of the relevance of these references as best understood by the Applicant.

PART III: Remarks

Copies of documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the information be printed on any patent that issues from this application.

By submitting this Information Disclosure Statement, Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, Applicant makes no representation that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56.

By submitting this Information Disclosure Statement, Applicant makes no representation that the information cited is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Kevin Taylor and Franz Smet, Applicants

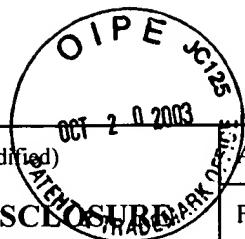
By: 

Robert E. Hunt, Reg. No. 39,231
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500
Representative for Applicant

Attorney Docket No.: H0075.70076US00

Date: October 16, 2003

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FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 09/898,900	ATTY. DOCKET NO.: H0075.70076US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: July 3, 2001	CONFIRMATION NO.: 3612
		APPLICANT: Kevin Taylor and Franz Smet	
Sheet	1	of	1
		GROUP ART UNIT: 1723	EXAMINER: David L. Sorkin

U.S. PATENT DOCUMENTS

Examiner's Initials†	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	5,529,247		Mieczewski	06-25-1996
	A2	4,060,223		Bongartz et al.	11-27-1997

FOREIGN PATENT DOCUMENTS

Examiner's Initials†	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	B1	DE	2919444	A1		11-20-1980	Y
	B2	DE	3834191	A1		12-04-1990	Y
	B3	GB	2291600	A		01-31-1996	N

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials†	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	European Search Report, Publication No. EP 1 170 421 A3, Application No. EP 01 11 4806, Date of Search July 8, 2003	

EXAMINER	DATE CONSIDERED
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†EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. ___, filed ___, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

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